

REMARKS

Claims 1-20 are pending in the present application. Claims 1 and 12 have been amended herein. No new matter has been added.

Claim 5 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. Claims 1, 4-12, and 15-20 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over U.S. Patent No. 6,335,279 to Jung et al. (hereinafter "Jung") taken with U.S. Patent No. 6,004,851 to Peng (hereinafter "Peng") and U.S. Patent No. 5,847,428 to Fulford, Jr. et al. (hereinafter "Fulford"). Claims 2-3, and 13-14 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Jung, Peng, and Fulford, as applied to claims 1, 4-12, and 15-20 above, taken with U.S. Patent No. 6,812,073 to Bu et al. (hereinafter "Bu"). Applicants respectfully traverse these rejections.


Claim 1 has been amended to recite at least one of the distinguishing features of the present invention that is not disclosed in Jung, namely, "the third ion implant being performed through the etch stop layer and the first spacer having substantially the same shape as achieved in the step forming a first spacer." Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Claim 12 includes a similar limitation as discussed above with reference to claim 1. Accordingly, it is respectfully requested that the rejection of independent claim 12 be withdrawn as well. Claims 2-11 and 13-20 depend from and further limit independent claims 1 and 12, and accordingly, it is also respectfully requested that the rejections of claims 2-11 and 13-20 be withdrawn as well.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date


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